

CASE NO. 09-C-369

OPENED 10/13/2009

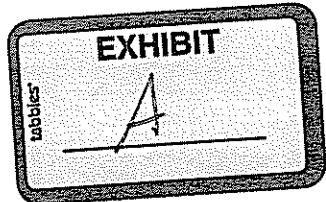
JUDGE... JUDGE FRED L FOX

PLAINTIFF. DAVID HOLLIS ET AL C/O KEVIN TIPTON
VS DEFENDANT. DANNY MICHAELS

PRO ATTY.. KEVIN TIPTON
DEF ATTY..

PAGE# DATE MEMORANDUM.....

00001 10/13/09 Civil Case Information statement
00002 10/13/09 Complaint
00003 10/13/09 Summons for Michaels w/Cert Mail Receipt
00004 10/16/09 Return Grn Crd signed 10/14/09



**CIVIL CASE INFORMATION STATEMENT
CIVIL CASES**

In the Circuit Court of MARION County, West Virginia

I. CASE STYLE

Plaintiffs

Case No. 09-C-369
Judge Foy

DAVID HOLLIS and
ADELINE HOLLIS
c/o KEVIN T. TIPTON
100 NORTHPONTE PLAZA
MORGANTOWN, WV 26505

vs.

Defendants

DANNY MICHAELS
PO Box 346
Kitzmiller, MD 21538

Days to Answer

30

Type of Service

CERTIFIED
MAIL

Original and 2 copies of Complaint attached hereto.

RECEIVED & FILED
IN
CIRCUIT CLERK'S OFFICE

2009 OCT 13 AM 11:08

BARBARA A. JONES
CIRCUIT CLERK

PLAINTIFF:	DAVID and ADRIENNE HOLMES	CASE NUMBER:	09-369
DEFENDANT:	DANIEL MICHAELS		

II. TYPE OF CASE:

<input type="checkbox"/> TORTS	<input type="checkbox"/> OTHER	<input type="checkbox"/> CIVIL
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input checked="" type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other:
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: YES

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): July 2010

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? YES NO
IF YES, PLEASE SPECIFY:

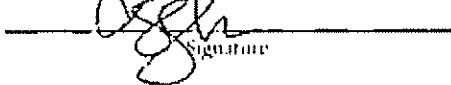
- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- Reader or other auxiliary aid for the visually impaired
- Spokesperson or other auxiliary aid for the speech impaired
- Other: _____

Attorney Name: Karen L. Tippin
 Firm: LIPSON LAW OFFICES
 Address: 1001 NORTHPointE PLAZA
MORGANTOWN, WV 26505

Representing PLAINTIFFS

Telephone: (304)297-8428

Dated:

10-09-2009


Signature

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

DAVID HOLLIS and
ADELINE HOLLIS,
Plaintiff,

v.
DANIEL MICHAELS,
Defendant.

Case No. 09-C-369COMPLAINT

NOW COME the Plaintiffs, DAVID HOLLIS and ADELINE HOLLIS, by and through their attorney, KEVIN T. TIPTON, and for their Complaint against Defendant DANIEL MICHAELS, hereby states as follows:

PARTIES AND JURISDICTION

1. The Plaintiff, DAVID HOLLIS, is, and was at all relevant times hereto, a resident of Morgantown, Monongalia County, West Virginia.
2. The Plaintiff, ADELINE HOLLIS, is, and was at all relevant times hereto, a resident of Morgantown, Monongalia County, West Virginia.
3. At all relevant times hereto, the Plaintiffs were husband and wife.
4. Defendant, DANIEL MICHAELS (hereinafter referred to as "Defendant") is, and was at all relevant times hereto, a resident of Kitzmiller, Garrett County, Maryland.
5. The accident complained of in this Complaint occurred in Marion County, West Virginia.

COUNT I

6. Plaintiff incorporates each and every allegation contained in Paragraphs 1 through 5 as if fully restated verbatim herein.
7. That on or about June 22, 2008, the Plaintiff was traveling on Flat Run Road in Fairmont, Marion County, West Virginia, on his way to work.
8. That the Defendant was traveling on the same road in the opposite direction.
9. That, for reasons unknown to the Plaintiff, the Defendant's vehicle crossed the center line of the road and struck his vehicle head on.

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HHS
CIRCUIT CLERKS OFFICE
MORGANTOWN, W.V.
JULY 13 2009
BRIAN K. VANCE
CIRCUIT CLERK

10. That, as a result of the Defendant's negligence, the Plaintiff suffered personal bodily injuries.
11. That Defendant's negligence and conduct, as set forth herein, was the proximate cause of the injuries which Plaintiff has suffered, is suffering and will continue to suffer in the future.
12. As a further direct and proximate cause of the aforesaid negligence of the Defendant, the Plaintiff has suffered and sustained damages and injuries, including, but not limited in any manner to the following: permanent physical injuries; loss of enjoyment of life; loss of income and benefits; aggravation, annoyance, and inconvenience; depression, emotional distress and mental anguish; punitive damages; substantial foreseeable consequential damages; and substantial incidental damages.

COUNT II

13. Plaintiff incorporates each and every allegation contained in Paragraphs 1 through 12 as if fully restated verbatim herein.
14. That, as a result of Defendant's negligence, Plaintiff Adeline Hollis has suffered a loss of consortium and loss of services of her husband, Plaintiff David Hollis, and is entitled to compensation therefor.

WHEREFORE, the Plaintiffs, **DAVID HOLLIS and ADELINE HOLLIS** demand judgment against the Defendant, **DANIEL MICHAELS**, in this matter for all damages sustained as set forth herein, together with pre-judgment and post-judgment interest thereon; punitive damages; for all costs and attorney fees incurred in pursuit of this action to which they are entitled by law; and for such other relief as this Court deems proper.

Plaintiffs hereby demand a **TRIAL BY JURY** in this matter.

DAVID HOLLIS and
ADELINE HOELIS
By Counsel



KEVIN T. TIPTON
West Virginia State Bar No. 8610
TIPTON LAW OFFICES
1001 Northpointe Plaza
Morgantown, WV 26505
(304) 292-8478

SUMMONS

CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA

DAVID HILLIS ET AL C/O KEVIN TIPTON
1001 NORTHPORTE PLAZA
MORGANTOWN WV 26505

ADLINE HILLIS C/O KEVIN TIPTON
1001 NORTHPORTE PLAZA
MORGANTOWN WV 26505

v. 09-C-369 JUDGE FRED L. FOX

DANNY MICHAELS
P.O. BOX 346
KITZMILLER MD 21538

To the Above-Named Defendant(s):

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby summoned and required to serve upon KEVIN TIPTON

Plaintiff's Attorney, whose address is 1001 NORTHPORTE PLAZA
MORGANTOWN, WV 26505

an answer, including any related counter-claim you may have, to the complaint filed against you in the above-styled civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above-styled civil action.

DATE: 10/13/09

Barbara A. Core, Clerk
Marion County Circuit Court

By: PM f/c, Deputy

Cert Mail

U.S. Postal Service® CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
2008 2001 5316 2459	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage	-
2008	
Sent To	Danny Michaels
Street, Apt #6; or PO Box No. City, State, Zip:	P.O. Box 346 Kitzmillier, MD 21538
PS Form 3600 4/00-09-0900	
See Reverse for instructions	

TIPTON LAW OFFICES

1001 Northpointe Plaza
Morgantown, WV 26505
(304) 292-TIPTON (8478)
(304) 292-2800 fax
TiptonLaw@gmail.com

October 9, 2009

Barbara Core, Clerk
Marion County Courthouse
211 Adams Street
Fairmont, WV 26554

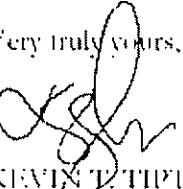
RE: Hollis v. Michaels
09.C-369

Dear Mrs. Core:

Please find enclosed the original *Complaint and Civil Case Information Sheet*, along with two copies thereof. I have also included a check in the amount of \$145.00 for the cost of filing, please file this civil action accordingly.

Moreover, I have enclosed a check in the amount of \$20.00. I ask that you please serve the Defendant via Certified Mail/Return Receipt at your earliest convenience.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact my office.

Very truly yours,

KEVIN T. TIPTON

Etc.

RECEIVED & FILED
IN
CIRCUIT CLERKS OFFICE
OCT 10 2009
BALTIMORE CITY CLERK
WITH TWO COPIES
ASK THAT YOU PLEASE SERVE THE DEFENDANT VIA CERTIFIED MAIL/RETURN RECEIPT AT YOUR EARLIEST CONVENIENCE

SENDER: COMPLETE THIS SECTION	
COMPLETE THIS SECTION ON DELIVERY	
<p>■ Check <input checked="" type="checkbox"/> Items 1, 2; and 3. Also complete a -card. If Restricted Delivery is desired, print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the envelope, or on the front if space permits.</p>	
1. Article Addressed to:	Danny Michaels
P.O. Box 346 Kitzmiller, MD 21538	
D-9-C-289	
2. Article Number	
700A 2010 0001 5318 2459	
<i>(Mark one from following list)</i>	
PS Form 3811, February 2004	
Domestic Return Receipt	
112505-02-441940	